



DAVID E. JANSSEN
Chief Administrative Officer

County of Los Angeles
CHIEF ADMINISTRATIVE OFFICE

713 KENNETH HAHN HALL OF ADMINISTRATION • LOS ANGELES, CALIFORNIA 90012
(213) 974-1101

July 16, 2001

To: Supervisor Michael D. Antonovich, Mayor
Supervisor Gloria Molina
Supervisor Yvonne Brathwaite Burke
Supervisor Zev Yaroslavsky
Supervisor Don Knabe

From: David E. Janssen
Chief Administrative Officer

Board of Supervisors

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**MOTION TO SUPPORT AB 1301 (GOLDBERG) – BELMONT LEARNING CENTER
HEALTH RISK ASSESSMENT STUDY (ITEM NO. 9, AGENDA OF JULY 17, 2001)**

Item Number 9 on the July 17, 2001 agenda is a motion by Supervisor Molina to support AB 1301 (Goldberg).

Existing law requires that school sites contaminated by hazardous materials be cleaned up or permanently mitigated before school construction may begin or a newly constructed school may be occupied. As amended on July 10, 2001, AB 1301 would require the Los Angeles Unified School District (LAUSD) to prepare a remedial investigation/feasibility study for the Belmont Learning Complex, and submit the study to the State Department of Toxic Substances Control (DTSC) for review and approval by January 1, 2003. The District may select a contractor approved by the DTSC to complete the study.

A recent Senate Environmental Quality Committee report indicated that completion of the study required by AB 1301 would not obligate the LAUSD to go forward with the high school project; however, it would determine the cleanup/mitigation options for the site and the feasibility, estimated costs and cost-effectiveness of those options. The report also indicates that the LAUSD, although not opposed to AB 1301, has proposed a different approach by authorizing solicitation of proposals for one of the following options: 1) completion of the Belmont project by a private sector firm, 2) sale or lease to a third party for use as a school, or 3) outright sale of the property.

The Department of Health Services (DHS) has previously recommended support for measures to establish assessment and abatement procedures to ensure that school sites are not contaminated with hazardous materials and to protect students from exposure to

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health risks. DHS indicates that support for AB 1301 is consistent with such legislation, including AB 387 (Wildman) from 1999. The Health/Hazardous Materials Division of the Fire Department reviewed AB 1301 and found that although the bill would have only a minor impact on the Department, it recommends that the County support the bill because it would have a beneficial effect on County residents.

On March 16, 1999 the Board acted to support AB 387 (Wildman). As amended on March 15, 1999, AB 387 would have required school districts seeking to acquire or build on school sites contaminated by hazardous materials to perform a preliminary danger assessment and submit it to the State. However, the bill was subsequently amended to eliminate the assessment requirement. As signed into law as Chapter 992, Statutes of 1999, AB 387 clarified procedures and responsibilities for acquisition of sites and construction of school facilities that may present a significant risk of exposure to hazardous materials. **Support for AB 1301 is consistent with prior Board support for AB 387.**

AB 1301 is sponsored by the author, supported by the Sierra Club, and has no registered opposition. The measure passed the Assembly with no opposition, passed the Senate Environmental Quality Committee by a 6 to 1 vote on July 9, 2001, and is now awaiting a hearing date in the Senate Appropriations Committee.

DEJ:GK
MS:lm

c: Executive Officer, Board of Supervisors
 County Counsel
 Department of Health Services
 Fire Department